

REMARKS

This Amendment rewrites claim 12 and the title of the application. Deletion of "anaerobic" from claim 12 is supported by original claim 2, which was directed to a method for detecting at least one aerobic microorganism in a sample. The insertion of "reducing a detection time of said microorganism" into claim 12 is supported by the application Examples, particularly at page 11, lines 1-3, Table 1 on page 12, Table 2 on page 13 and page 18, lines 22-28. Claims 12-27 are pending.

Examiner Gitomer is thanked for the courtesies extended to the undersigned during a personal interview held May 7, 2003. The Examiner Interview Summary Record accurately summarizes the substance of the interview.

A Request for Continued Examination is attached. Accordingly, entry and consideration of this Amendment are earnestly requested.

This Amendment overcomes the objection to the title. More particularly, the title has been rewritten to more clearly describe the invention. Reconsideration and withdrawal of the objection to the title are earnestly requested.

The 35 U.S.C. § 102(b) rejection of claims 12-20, 22, 23 and 27 over PCT Publication WO 00/09649 to Ronsick is respectfully traversed. Ronsick is not prior art against this application because its effective reference date under 35 U.S.C. § 102(b) is

February 24, 2000, which is later than the December 3, 1999 effective filing date of this application.

Ronsick does not qualify as prior art under 35 U.S.C. § 102(e) because its International filing date of August 16, 1999 is prior to November 29, 2000, the effective date of the AIPA.

Reconsideration and withdrawal of the anticipation rejection of claims 12-20, 22, 23 and 27 over Ronsick is respectfully requested.

The 35 U.S.C. § 103(a) rejection of claims 21, 24 and 25 over Ronsick is traversed. As discussed above, Ronsick is not prior art against this application. Reconsideration and withdrawal of the obviousness rejection of claims 21, 24 and 25 over Ronsick are earnestly requested.

A Supplemental Information Disclosure Statement is attached, and submits U.S. Patent No. 5,795,773 to Read et al. - a reference whose disclosure is similar to that of Ronsick. Thus Read et al. adds a solid support (membrane) as an integral support for a detector/sensor. See Col. 5, lines 8-14. Read et al. fails to disclose or suggest reducing a detection time of a microorganism by adding into a sterile receptacle at least one sterile, inert, solid support.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 12-27,

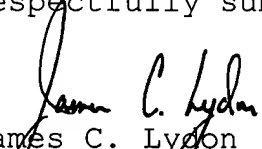
U.S. Patent Appln. S.N. 09/870,510
AMENDMENT AFTER FINAL REJECTION

PATENT

and issuance of a Notice of Allowance directed to those claims, are earnestly requested. The Examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

A Petition and fee for a one month Extension of Time are also attached. It is not believed that any additional fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,


James C. Lydon
Reg. No. 30,082

Atty. Case No.: BONN-054
100 Daingerfield Road
Suite 100
Alexandria, Virginia 22314
Telephone: (703) 838-0445
Facsimile: (703) 838-0447

Enclosures:

Petition for Extension of Time
Supplemental Information Disclosure Statement
Request for Continued Examination